



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, 2 मार्च, 1972/12 फा.गुन, 1893

GOVERNMENT OF HIMACHAL PRADESH

HOME DEPARTMENT

NOTIFICATION

Simla-2, the 8th February, 1972

No. HG. Misc. 6-16/66.—In exercise of the powers conferred by section 14(1) of the Himachal Pradesh Home Guards Act, 1968, the Governor, Himachal Pradesh is pleased to make the following rules under section 14 of the aforesaid Act, namely:—

1. (i) These rules may be called the Himachal Pradesh, Home Guard Rules, 1971.

Short title

(ii) These shall come into force at once.

Commencement.

2. In these rules unless the context otherwise requires,—

Definition

- (1) "Act" means the Himachal Pradesh Home Guards Act, 1968;
- (2) "Commandant General" means the Commandant General appointed under section 4 (3) of the Act;
- (3) "Commandant" means a Commandant of Home Guards appointed under section 4 of the Act;
- (4) "Home Guards Organisation" means the Himachal Pradesh Home Guards constituted under section 4 (1) of the Act;
- (5) "Member of Home Guards" means a member appointed under section 5 (1) of the Act whether a part-time or a whole time volunteer or a rank holder;
- (6) "Honorary Home Guards" means a Home Guards volunteer called under the Act;

- (7) "Forms" means forms appended to these rules;
 (8) "Prescribed authority" means the authority declared as competent under these rules.

Appoint-
ment.

3. A person shall be eligible for appointment to the Home Guards Organisation if he/she fulfils the following requirements:—

- (a) is not less than 18 years and not more than 50 years of age;
- (b) is of good moral character;
- (c) is physically fit to undergo arduous out-door duties and has been medically examined and found to be of normal health;
- (d) is at least literate in Hindi;
- (e) is not wholly engaged in any course of study in any educational institution and has an employment or profession;
- (f) is not a member of the Territorial Army;
- (g) takes an oath of allegiance to the Constitution of India and to the Government of Himachal Pradesh as laid down in the form of pledge appended to these rules:

Provided that the Commandant General may relax the conditions regarding the age or educational qualifications or both referred to in clauses (a) and (d) above:

Provided further that the age and educational qualifications of the whole time employees in the organisation will be governed by the Departmental Recruitment and Promotion Rules.

Application
for appoint-
ment.

4. (i) Applications for enrolment as members of Home Guards shall be made in the Form annexed to the Rules at Appendix 'A' to the Commandant of the area of his/her residence with two certificates of good moral character from responsible persons.

(ii) After the verification of character and antecedents of the volunteer, the Commandant shall formally enrol the required number of Home Guards and after complying with all the pre-requisites, the recruit shall make a declaration in Form I of the schedule appended to the Act.

Issue of
Certificates.

5. (i) Every person appointed as a member of Home Guard shall receive a certificate of appointment as in Form II of the schedule appended to the Act.

(ii) This certificate will invariably be carried by a Home Guard when he is on duty.

(iii) Such a certificate shall cease to be effective after a person to whom it relates ceases to be a member of the Home Guard and within 10 days of his ceasing to be a member of Home Guards; he shall surrender the certificate to the Commandant General if he is an officer of the rank of Platoon Commander and above and to the Commandant of his area in all other cases.

Organisa-
tion.

6. (i) The Home Guards constituted under section 4 of the Act, will be a Battalion, comprising of a group of companies under the command and control of a Commandant who shall be assisted by such executive, instructional and clerical paid staff as may be sanctioned by the Government:—

- (a) a company shall be the basic unit of the Home Guards with a Platoon as a sub-unit. The company shall comprise of 9 sections; each section consisting of an Assistant Section Leader, and 9 Home Guards. Three sections shall combine to form a Platoon. For each Platoon there shall be a Platoon Commander and a Platoon Havildar. Three Platoon shall constitute into a Company.

A company headquarter shall consist of a Company Commander, a Senior Platoon Commander, Company Havildar Major, Company Havildar Clerk and a Company Quartermaster Havildar;

- (b) the over-all strength of a company shall be 110. Unless otherwise sanctioned by the State Government, the officers of the Company will be Honorary Rank holders. The Company can have such additional paid staff as may be sanctioned by the State Government from time to time.

(ii) The honorary officers of the Company shall be paid such honoraria and allowances as laid-down in the succeeding paragraphs of these rules.

(iii) The Commandant General will have powers to create the required number of the honorary posts.

(iv) The Commandant General or any authority prescribed by him shall have powers to appoint any member of the Home Guards to post referred to in (iii) above under his command.

7. (i) Subject to the overall directions of the Commandant General, the Commandant shall have the powers to call out a Home Guard or an officer or officers of the Home Guards under his control for the following purposes:—

Calling out
of Home
Guards.

- (a) for training at such places and for such period as may be authorized by the Commandant General;
- (b) for duties connected with training, administration, security of arms, ammunition, ceremonial occasions etc., according to the scale and period as may be authorised by the Commandant General;
- (c) for operational duty for the protection of life and property from natural calamities or anti-social elements, maintenance of essential services, suppression of disturbances, control and regulation of traffic and assemblies and prevention of commission of offences, general assistance to the military, civil authorities or the police in the interest of national security; and
- (d) any other duty authorised by the Commandant General in public interest.

(ii) Provided that any Home Guard Officer of the rank not below the rank of Company Commander may call out any number of Home Guards under his command for operational duties in an emergency, provided further that if there is insufficient time to obtain the orders of the Commandant of his Battalion for purposes mentioned in clauses (a), (b), (c) and (d) above. Any such action taken by him shall, however, be reported immediately to the Commandant.

(iii) The District Magistrate in his discretion may issue directions to the Commandant to call out Home Guards for operational duties for purposes mentioned in clause (c).

8. (i) Subject to the provisions of the Home Guards Act and the Rules made thereunder, the Commandant General shall have the powers to regulate training, operational duties, organisation, administration, discipline and punishment, procurement, maintenance and scales of issue of uniforms, equipment and stores, arms and ammunition of the Home Guards and exercise overall command and control over the Home Guards and its officers:

Powers of
the Com-
mandant
General.

Provided that the fixation of scale of uniforms, equipment, arms and ammunition etc., shall be as may be prescribed from time to time by the Himachal Pradesh Government.

(ii) *Power of the Commandant.*—Subject to the overall directions and orders of the Commandant General, the Commandant will have the powers to supervise and inspect the training, operational duties and administration and maintenance of uniforms, arms and stores etc., as well as take disciplinary action against members of Home Guards under his command.

(iii) The Commander of any formation or detachment will have powers to relieve a member of the Home Guards under his command from the performance of his duties if, in his opinion, the conduct of that Home Guards is prejudicial to the performance of that duty. He shall also have powers to withdraw arms, ammunition, uniform and other Home Guard property, identity card from such a member. He shall report the reasons in writing immediately to his superior officer who will in turn report the matter to the Commandant for taking disciplinary action.

Offences of
misconduct.

9. (i) The following shall be deemed to be offences on the part of the Home Guards when undergoing a course of training or performing duty:—

- (a) failure to respond to call up notices without any reasonable cause at the place and time specified;
- (b) threatening or using of violence or improper language against any member of the Home Guards or the public;
- (c) being found in a state of intoxication while on duty;
- (d) knowingly furnishing a false report in regard to Home Guards under his command or regarding any money, arms, ammunition, clothing, store or property in his charge;
- (e) misuse or failure to return any property or any weapon or uniform issued to him, when asked;
- (f) conduct or behaviour prejudicial and disgraceful to the Home Guards Organisation;
- (g) not carrying out the general or special orders of his or her superiors promptly and with due diligence.

(ii) *Punishment.*—The following punishments shall be imposed by the Commandant General or the Commandant on members of the Home Guards for any of the offences of misconduct mentioned above:—

- (a) Reprimand.
- (b) Extra duty.
- (c) Suspension.
- (d) Reduction of rank.
- (e) Dismissal.
- (f) Fine not exceeding Rs. 50.

(iii) The Home Guards on whom any of the aforesaid punishment is imposed may, within 30 days of the communication of the official orders to him, appeal to the officer immediately superior to the authority imposing the punishment.

Control by
the officers
of the
Police force
or Military.

10. When a contingent of the Home Guards is deputed to assist the Army/Police, the Station Commander/the Superintendent of Police shall have the operational control over the contingent:

Provided that the senior most officer of such a contingent of the rank of Company Commander and below shall not be under the control of an officer below the rank of Subedar Major/Inspector of Police.

Uniforms
and Acco-
untments.

11. All officers and members of Home Guards when on duty shall be supplied at State expense uniforms as well as accountments to be used for shelter, bedding and messing etc., on the scale as may be prescribed by the State Government. They will also wear badges of rank as may be prescribed and supplied by the State Government.

12. Officers and members of the Home Guards shall be entitled to use and carry small arms, such as rifles, carbines, hand-grenades and service revolvers and their ammunition, on such scale and manner as may be decided by the Commandant General during the course of training or operational duties.

Arms and
Ammuni-
tion.

13. (i) The Home Guards shall be liable to serve anywhere within Himachal Pradesh. Those who volunteer for duties out-side Himachal Pradesh may be drafted for the purpose as and when required.

Conditions
of service.

(ii) The Home Guards employed for whole time duty, other than the Honorary Home Guards, will receive pay and allowances equivalent to their counter-parts in the Police Department of equal rank. The equivalency of rank is given in Appendix 'B'.

(iii) The Honorary Home Guards shall be voluntary workers entitled to such allowances and honoraria as specified hereunder. They shall also be provided free accommodation wherever available when called for duty.

Notwithstanding anything contained in Himachal Pradesh Home Guards Rules, 1962, if any free accommodation was provided to them before coming into force of these rules, no recovery will be made from them on this account.

(a) *Duty Allowance*.—All honorary officers and members of Home Guards shall be paid a duty allowance of Rs. 3 per day when called under section 8 (1) of the Home Guards Act for operational duty or training, provided that he is on duty for six hours or more.

(b) *Camp Allowance*.—If the place of duty is more than 8 kilometres beyond the Company or Independent Platoon headquarter as fixed by the Commandant General, a sum of Re. 1 per day will be given in addition to the duty allowance to the honorary officers and members of the Home Guards.

(c) *Out of Pocket Allowance*.—When honorary officers and men of Home Guards are called for training or duty for less than six hours, they shall be paid an out of pocket allowance of Re. 1 per day instead of the duty allowance of Rs. 3.

(d) *Travelling Allowance*.—(i) Honorary officers and the members of the Home Guards shall be entitled to travelling and duty allowances on the scales as may be sanctioned by the State Government from time to time.

(e) Any other allowances as may be sanctioned by the Government from time to time.

(f) *Honoraria*.—The Honorary Home Guards Officers will be given an honoraria for performing short time instructional and administrative duties at the following rates per mensem provided they perform such duties during the month:—

1. Company Commander	.. Rs. 40
2. Platoon Commander	.. Rs. 30
3. Havildars i.e., Havildar Major	.. Rs. 15
Quarter Master Havildars Clerk and Platoon Havildar.	
4. Section Leader	.. Rs. 10

(g) All members of the reserve force when called out under section 8 of the Act will be treated as Home Guards on duty and all provisions of the Act and these rules will apply to them.

(ii) No prosecution shall be instituted against any Home Guard in respect of anything done or purporting to be done by him in the discharge of his duties as a Home Guard except with the prior sanction of the State Government or such other officer as

empowered by the State Government in this behalf.

14. The equivalency of ranks of Home Guards with the police personnel is as below:—

(i) Company Commander	Inspector Police
(ii) Senior Platoon Commander	Sub-Inspector Police
(iii) Platoon Commander	Assistant Sub-Inspector
(iv) Havildar	Head Constable
(v) Section Leader	Constable.

Compensation.

15. If any member of the Home Guards suffers any damage to his person or property while undergoing training or on duty, and he does not cause it by his own negligence or wilful act or omission of the provisions of this Act and rules or directions issued by superior officer, he shall be paid compensation in the form of temporary allowance, disability pension, family pension and children allowances as the case may be, on the following terms and conditions:—

- (i) *Temporary Allowance.*—If any Home Guard is incapacitated for work for a period of three days or more he shall be paid temporary disability allowance for the period of disablement at the rate of Rs. 30 per month payable at half monthly intervals as Rs. 15.
- (ii) Where an injury sustained by a Home Guard causes him serious and prolonged or permanent disablement, he shall be awarded compensation at the rates mentioned below; the amount depending on the percentage of disablement:—

<i>Percentage of Disablement</i>	<i>Disability pension per mensem</i>
100	Rs. 30
90	Rs. 27
80	Rs. 24
70	Rs. 21
60	Rs. 18
50	Rs. 15
20 to 40	Rs. 12
10	Rs. 10:

Provided that where the disablement is not more than 50 per cent and the injured Home Guard is not debarred from the means of his livelihood, the amount of disablement pension shall be substituted by a lump sum payment calculated at 70 times of the monthly payments specified in the foregoing schedule.

- (iii) In case of death of a Home Guard, as a result of injuries sustained while on duty or training, a family pension and children allowances shall be payable in accordance with the following:—

- (a) A family pension of Rs. 20 per month to his legally wedded wife and in case the incumbent may have more than one legally wedded wife, then this rate of provision of Rs. 20 will be distributed equally and an allowance of Rs. 5 per month to each of his legitimate child. In case no family pension is being paid each child will get an allowance of Rs. 7.50 per month:

- (i) Provided that in case of minor the children allowance will be paid to the legal wife or the guardian of the children:

(ii) Provided further where a Home Guard entitled to the temporary or children allowance or disability pension is in receipt of an allowance or pension from public funds paid to him by reasons of same injuries or death, he shall be allowed to draw only the amount of the difference by which the allowance or pension from other public funds falls short of the allowances to which he was entitled as a Home Guard under these rules.

(b) For calculating the amount of injury, the opinion of the authorised Medical Officer shall be legal and final. The authorised Medical Officer in this case means any Civil Doctor in the service of the Government not below the rank of Class I.

Awards

16. (i) Home Guards are eligible to cash awards individually or collectively for conspicuous good work or for a work of outstanding nature in saving life, protection or property, assistance in the maintenance of law and order, devotion to duty and for any other purpose which furthers the aims and objects of Home Guards.

(ii) The Commandant General is authorised to grant awards up to a monetary limit of Rs. 250 in any one case on any one occasion.

(iii) The complete citation indicating the reasons for which the awards are granted shall be written up and duly publicised.

Resignation

17. (i) A Member of Home Guards may resign his office by submitting an application in writing addressed to the Commandant.

(ii) The resignation shall not take effect unless the Commandant General or the Commandant accepts the resignation and intimation to this effect is given to the applicant, failure to report for duty, without previous permission of the calling authority or information of his inability to attend the duty on the plea that a letter of resignation has been submitted, will amount to absence from duty.

(iii) The Commandant shall forward the resignation with his remarks to the Commandant General in the case of all rank holders.

Discharge

18. A Home Guard shall be discharged on completion of the term of his service of three years in the reserve force provided that the Commandant General or the Commandant may discharge a Home Guard earlier on any one of the following grounds:—

(a) Physical unfitness.

(b) Attainment of age of 60 years.

(c) For behaviour detrimental and prejudicial to good order, welfare or discipline of Home Guards.

(d) At his own request with due notice ranging over one month.

(e) or found unsuitable:

Provided that a change of residence from one district to another shall not necessarily be a valid ground for discharge and the Home Guard concerned shall form part of the Home Guards Units functioning in the district to which he moves:

Provided further that no officer of the rank of Platoon Commander and above will be discharged without the permission of the Commandant General.

Every Home Guard discharged shall receive from the appointing authority a discharged certificate in the form, vide Appendix 'D' attached to the rules.

Surrender of Certifi- cate.

19. (i) A Home Guard on ceasing to be a member of the Home Guards Organisation shall surrender to the appointing authority, the certificate of

his appointment issued to him at the time of his recruitment.

Before discharge, a Home Guards shall deliver in good condition all articles of uniforms equipment, arms and ammunition, accountrements and other Home Guards property, if any, in his possession. If any Home Guard neglects or refuses to deliver his certificate or appointment or office or any other articles, he shall render himself liable to prosecution in the court of law.

(ii) Any fine imposed under these rules may be recovered as provided in section 12 (6) of the Act.

20. (1) The Himachal Pradesh Home Guards Rules, 1962, as in force in Himachal Pradesh, are hereby repealed:

Provided that the repeal shall not effect:—

- (a) the previous operation of the rules so repealed or anything done or suffered thereunder;
- (b) any right, privilege, obligation or liability, accrued or incurred under these rules;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the rules so repealed;
- (d) any investigation, legal proceedings or remedy in respect of any such right privileges, obligation, liability or punishment as afore-said and any such investigation legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if these rules had not been repealed.

(2) Subject to the provisions of sub-rule (1) anything done or any action taken under the rules repealed by sub-rule (1) shall, in so far as it is not inconsistent with these rules be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly unless superseded by anything done or any action taken under these rules.

APPENDIX 'A'

APPLICATION FORM

The Commandant, Home Guards.

I declare that I am a citizen of India and that I desire to be enrolled as a member of the Home Guards for..... and have no intention of permanently leaving the limits of Himachal Pradesh for at least five years after enrolment and that I am not under any obligation to serve in any other force.

I understand that:—

- (1) In any emergency I shall be liable to be called out on duty at any time and for any period and in any part of the State of Himachal Pradesh.
- (2) I shall be liable to undergo training and attend Parades in accordance with the orders of my superior officers.
- (3) I shall be required to take a pledge for the proper discharge of my duties.
- (4) I shall be required to serve for a period of three years in the Home Guards and there after for another period of three years in the reserve force of Home Guards unless I am allowed to resign in

pursuance of the Himachal Home Guards Rules, 1971.

(5) I shall ordinarily be liable to serve in any part of Himachal Pradesh.

1. Name
2. Permanent Address.....
3. Telephone No.....
4. Date of Birth.....
5. Place of birth (Town, Country and District).....
6. Occupation or profession.....
7. Education (Degree held or examination passed):.....
Special qualifications.....
8. Particulars of war service or military training or training with any
First Aid or Ambulance Corps.....
9. Father's Name.....
10. Father's occupation or profession.....
11. If originally a resident of Pakistan, the address in the Country
and the date of migration to India Union.....
12. Particulars of places where the applicant resided for more than
one year during the preceding five years.....

I declare that the above particulars are correct.

Date.....

Signature.....

Note.—If you are a Government servant or an employee in a local authority, a firm or any other office you should send this form through your superior officer with his certificate that he has no objection to your attending the training and that he will release you for duty in an emergency at any time and for any period and in any part in the State of.....

APPENDIX 'B'

Sl. No.	Name of post in the Home Guards	Equivalent rank in Police Department
1.	Commandant General-cum-Director of Civil Defence.	Inspector General of Police/Secretary to State Government.
2.	Deputy Commandant General cum-Deputy Director, Civil Defence.	Senior Superintendent of Police (S.S.P.).
3.	Senior Staff Officer (SSO)	Superintendent of Police.
4.	Junior Staff Officer	Deputy Superintendent of Police.
5.	District Commandant	Deputy Superintendent of Police.
6.	Company Commander	Inspector of Police.

APPENDIX 'D'

DISCHARGE CERTIFICATE

This is to certify that No..... Rank.....
Name..... was enrolled as a Home Guard in
the..... on..... 19.....

He is discharged by order of.....in consequence of section.....of the Himachal Pradesh Home Guards Act, 1968.

Charter Assessed: ,

Periods of training attended:

Particulars of embodied service:

Place.....

Date.....

Signature of the
Prescribed Authority.

By order,

K. N. CHANNA,
Chief Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-2, the 28th February, 1972

No. 5-4/71-Rev.I.—In exercise of the powers conferred by sections 78 and 79 of the Indian Registration Act, 1908 (XVI of 1908), as applied to Himachal Pradesh, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to make the following amendment in the Table of Registration Fees published with Revenue Department notification No. 17-13/66-Rev.I, dated 14-4-1969 hereinafter referred to as the said Table as amended from time to time:—

In the said Table after proviso 8 to Article I, the following proviso shall be added, namely:—

“Provided further that no registration fee shall be chargeable on any instrument executed in respect of mortgage deeds by the small/marginal farmers for loans borrowed from the Commercial Banks provided such loans are sanctioned by the Small Farmer Development Agency and Marginal Farmers and Agricultural Labourers Agency.”

Simla-2, the 28th February, 1972

No. 5-4/71-Rev.I.—In exercise of the powers conferred upon him by section 9 of the Indian Stamp Act, 1899 (II of 1899), as in force in the State of Himachal Pradesh, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to remit in the whole of Himachal Pradesh, the Stamp Duty chargeable under the said Act on any instrument executed in respect of mortgage deeds by the small/marginal farmers for loans borrowed from the Commercial Banks provided such loans are sanctioned by the Small Farmer Development Agency and Marginal Farmers and Agricultural Labourers Agency.

By order,

V. K. AGNIHOTRI,
Deputy Secretary.